GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants - Revenue (Endowments) Department – Disciplinary action initiated against Sri M. Raghunath, formerly Dy. Commissioner, Guntur now Joint Commissioner, Endowments Department for the irregularities committed while working as DCED, Guntur – Imposed punishment of reduction of present payscale permanently by three stages – Revision petition filed before the Government – orders of Hon'ble High Court dt.17.04.2018 in W.P.No.37796/2014 – Revision petition allowed – Further action dropped – Orders – Issued.

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REVENUE (VIGILANCE-IV) DEPARTMENT

G.O.RT.No. 910 **Dated: 28-06-2018**

Read the following :-

1. Orders of Hon'ble APAT dt.04.03.2013 in O.A.No.8420/2010 filed by Sri M.Raghunath, JCED.
2. Interim Orders of Hon'ble High Court, dt.09.12.2014 in W.P.No.37796/2014 filed by the Government.
3. G.O.Rt.No.22, Revenue (Vig.IV.1) Department, dt.09.01.2015.
4. Revision petition filed by Sri M. Raghunath, JCED, dt.31.03.2016.
5. Orders of Hon'ble High Court, dt. 17.04.2018 in W.P.No.37796/2014 filed by the Government.

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ORDER:

Whereas, the Director General, Anti-Corruption Bureau, has conducted detailed enquiry on the allegations of irregular allotment of lands belonging to Yadavallivari Choultry, Guntur district and submitted his final report. Government, after careful examination of the report, have framed articles of Charge against (9) Charged Officers. Sri M.Raghunath, formerly Deputy Commissioner Endowments Department, Guntur now Joint Commissioner Endowments Department, is one among the Officers against whom articles of charge were framed. He submitted a written Statement of Defence requesting to drop further action. The matter was examined and the Commissioner of Endowments was appointed as Inquiry Officer to conduct enquiry into the charges framed against the Charged Officers including Sri G.Kesavulu, retired officer of the department.

2) And whereas, the Inquiry Officer has conducted enquiry and submitted his Inquiry report. The Enquiry Officer, in his enquiry report, held that the charges framed against Sri M.Raghunath, are not proved. Government have examined the findings of the Enquiry Officer and found that there were supervisory defects, if not, a total lack of supervision. Government has concluded that merely issuing instructions to Subordinate Officers was not enough on the part of Sri M.Raghunath especially when all the Charged Officers were field Officers, directly in the line of duty. Moreover, the explanation revolves around technicalities such as delay in filing charge sheets instead of actually trying to answer the charge made. Government have therefore disagreed with the findings of the Enquiry Officer. While sending a copy of the Enquiry Officer's report together with disagreement factors, the Charged Officer was requested to offer his explanations, if any. He submitted his explanation and requested to drop further action against him.

3) Sri M.Raghunath Joint Commissioner Endowments Department, has filed O.A.No.8420/2010 in the Hon'ble Andhra Pradesh Administrative Tribunal challenging the charges framed against him. The Hon'ble Andhra Pradesh Administrative Tribunal, in its orders dated 04.03.2013, has set aside the charge memo i.e., G.O.RT.No.1434, Revenue (Vigilance.IV) Department, dt.09.07.2008 on the ground of inordinate delay involved in initiating as well as concluding the disciplinary proceedings vide reference 1st read above.

4) Aggrieved by the orders of Andhra Pradesh Administrative Tribunal dated.04.03.2013 in O.A.No.8420/2010, Government have filed appeal before the

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Hon'ble High Court in W.P.No.37796/2014. The Hon'ble High in its interim orders dated.09.12.2014 has granted interim suspension of Andhra Pradesh Administrative Tribunal orders dt.04.03.2013 vide reference 2nd read above.

5) Government, after examining the matter keeping in view of the interim orders of Hon'ble High Court, have imposed punishment of reduction of present pay Scale Permanently by three stages against Sri M. Raghunath, formerly Deputy Commissioner, Guntur now Joint Commissioner, Endowments Department vide reference 3rd read above.

6) In the reference 4th read above, Sri M. Raghunath, formerly Deputy Commissioner, Guntur now Joint Commissioner, Endowments Department has filed revision petition before the Government on the following grounds with a request to set aside the punishment orders issued by the Government and drop further action against him:

- the charge itself clearly speaks that he worked as Deputy Commissioner Endowments Department, Guntur, from 26-05-1997 to 31-12-1998 only and that he could not be held responsible for the incidents happened 10 years (i.e., from 23-05-1987) prior to his taking charge as Deputy Commissioner Endowments Department, Guntur.
- the properties are under lease for long period, (ie, from 08-08-1984 to 07-08-2009) with prior approval of terms & conditions by District Court in IA No.1383/1982 in OA No.7/1967, dt.15-04-1983 and cancellation of such lease by Assistant Commissioner Endowments Department, Guntur after advent of Endts.Act, 30/1987; filing of OA No.13 & 14 of 1989 treating lease holders as encroachers; tenants approaching the High Court by filing W.P.No.3333 & 3334 of 1989 and obtaining of stay orders; and continuing in the properties by virtue of stay orders upto 14-02-1997 till stay orders are vacated. The filing of WPs obtaining of stay orders, steps for disposal of WPs and vacation of stay orders were taken much earlier before he took charge & that the OAs are pending hearing when he took charge as Deputy Commissioner, Guntur.
- the time consumed by High courts in disposing of WPs from 09-03-1989 to 14-2-1997 cannot be attributed as delay on the part of Charged Officer.
- He has stated that during his tenure as Deputy Commissioner Endowments Department , Guntur, he has disposed the Inquiry Authority No.37/98 in OA No.13/89 and Inquiry Authority No.38/98 in OA No.14/89 filed by the institution regarding the maintainability of OAs in its favour. Against these orders, the tenants / encroachers filed R.P.Nos.2 & 3/99 before Regional Joint Commissioner, Multi-Zone-II, Tirupati and obtained stay orders and in the meantime he has been transferred from above station. Subsequently his successor has disposed off above two OA Nos.13 & 14/89 and that properties are restored to Yadavallivari Choultry.
- He has stated that DCs are not field officers as mentioned in disagreement factors. As per sec.5 of Act.3/87, Government have divided the State into Divisions and Sub-divisions and Deputy Commissioner is authorised to discharge powers & functions of Divisional Officer vested with quasi judicial powers U/Sec.87 of Act.30/87 till Endowments Tribunal is constituted.
- He has requested to stay the operation of Govt. orders imposing the punishment against him as per provisions contained in Sec.122 (2) of AP C&HRIE Act, 30/1987, pending final orders in the matter, since the charges framed against Sri V.Shankar Reddy and against him are one & the same.

7) In the reference 5th read above, the Hon'ble high Court in its orders dt.17.04.2018 in W.P.No.37796/2014 filed by the Government has ordered as follows:

> "In the light of the aforestated facts, it is clear that the litigation in relation to the Charge Memo has become infructuous, in view of the disciplinary

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proceedings initiated by the Government, pursuant to the suspension granted in this writ petition, culminating in the final punishment order vide G.O.Rt.No.22 dated.09.01.2015. As we are informed that the first respondent applicant has already preferred a revision against the same and the Government is refraining from passing orders in the revision petition only because of the pendency of this writ petition, this writ petition is closed leaving it open to the Government of Andhra Pradesh to pass appropriate orders in the revision preferred by the first respondent-applicant against the punishment imposed upon him vide G.O.Rt.No.22 dated 09.01.2015, in accordance with law. Pending miscellaneous petition, if any, shall also stand closed. No order as to costs".

8) Government, after careful examination of the matter keeping in view of the orders of Andhra Pradesh Administrative Tribunal, dated.04.03.2013 in O.A.No.8420/2010 and orders of Hon'ble High Court dt.17.04.2018 in W.P.No.37796/2014, have decided to allow the revision petition filed by Sri M. Raghunath, formerly Dy. Commissioner, Guntur now Joint Commissioner, Endowments Department by setting aside the punishment orders of reduction of present pay Scale Permanently by three stages and to drop further action against him.

9) Accordingly, Government hereby order to allow the revision petition filed by Sri M. Raghunath, formerly Dy. Commissioner, Guntur now Joint Commissioner, Endowments Department by setting aside the punishment orders of reduction of present pay Scale Permanently by three stages and drop further action against him.

10) The Commissioner of Endowments Department, A.P. shall take necessary further action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

MANMOHAN SINGH
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Sri M. Raghunath, formerly Deputy Commissioner, Guntur now Joint Commissioner, Endowments Department, **through**, the Commissioner Endowments Department, Andhra Pradesh, Vijayawada,
The Commissioner, Endowments Department, Andhra Pradesh Vijayawada, (with a request to serve the copy to the individual and send the served copy to Government).
Copy to:
The Director General, Anti-Corruption Bureau, Andhra Pradesh, Vijayawada.
The Secretary, A.P Public Service Commission, Vijayawada.
The Secretary to Vigilance Commissioner, Andhra Pradesh Vigilance Commission, Andhra Pradesh, Secretariat, Velagapudi.
SF/SC.

//FORWARDED :: BY ORDER//

SECTION OFFICER